

By: Giddings

H.B. No. 2885

A BILL TO BE ENTITLED

AN ACT

relating to requiring a school district to report data regarding restraints administered to, sanctions imposed on, complaints filed against, citations issued to, and arrests made of students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0815 to read as follows:

Sec. 37.0815. REPORT TO AGENCY ON RESTRAINTS, SANCTIONS, COMPLAINTS, CITATIONS, AND ARRESTS. (a) In this section:

(1) "Citation" means a ticket issued to a student for a Class C misdemeanor by a school district peace officer or other peace officer acting under a memorandum of understanding described by Subsection (g).

(2) "OC spray" means any aerosol-propelled debilitation device that is composed of a lachrymatory chemical compound that irritates the eyes to cause tears, pain, or temporary blindness. The term includes pepper spray, capsicum spray, OC gas, and oleoresin capsicum.

(3) "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body. The term includes the use of:

(A) a baton or a similar club;

(B) OC spray; and

(C) a Taser.

1 (4) "Taser" means a device manufactured, sold, or
2 distributed by Taser International, Incorporated, that is
3 intended, designed, made, or adapted to incapacitate a person by
4 inflicting an electrical charge through the emission of a
5 projectile or conductive stream. The term, for purposes of this
6 section, includes a similar device manufactured, sold, or
7 distributed by another person.

8 (b) Not later than the 60th day after the last day of classes
9 for the academic year, the superintendent of a school district
10 shall electronically submit to the agency a report that contains
11 incident-based data describing the total number of the following
12 incidents occurring during the preceding academic year, organized
13 by campus:

14 (1) restraints administered to a student;

15 (2) sanctions imposed on a student under a system of
16 graduated sanctions developed under Section 37.144;

17 (3) complaints filed against a student under Section
18 37.145;

19 (4) citations issued to a student; and

20 (5) arrests made of a student.

21 (c) The incident-based data submitted under this section
22 must include, as applicable, information identifying:

23 (1) the age of the student;

24 (2) the gender of the student;

25 (3) the race or ethnicity of the student;

26 (4) whether the student is eligible for special
27 education services under Section 29.003;

1 (5) whether the student is a student of limited
2 English proficiency, as defined by Section 29.052;

3 (6) the nature of the offense;

4 (7) whether the offense occurred during regular school
5 hours;

6 (8) whether the offense occurred on school property or
7 off school property while the student was attending a
8 school-sponsored or school-related activity;

9 (9) the type of restraint administered to the student;

10 (10) the type of sanction imposed on the student;

11 (11) the offense for which a complaint was filed
12 against the student or for which the student was issued a citation
13 or was arrested; and

14 (12) the campus at which the student is enrolled.

15 (d) The data collected for a report required under this
16 section does not constitute prima facie evidence of racial
17 profiling.

18 (e) A report required under this section may not include
19 information that identifies the peace officer who issued a
20 citation. The identity of the peace officer is confidential and not
21 subject to disclosure under Chapter 552, Government Code.

22 (f) A report required under this section may not include
23 personally identifiable student information and must comply with
24 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
25 Section 1232g).

26 (g) A school district that enters into a memorandum of
27 understanding with a local law enforcement agency for the provision

1 of a regular police presence on campus shall designate in the
2 memorandum of understanding which entity will be responsible for
3 collecting the data described by Subsection (b).

4 (h) The agency shall collect the reports required under this
5 section, compile the data, and make the data available to the
6 public.

7 SECTION 2. This Act applies beginning with the 2015-2016
8 school year.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2015.